

**UNITED STATES
COMMISSION ON CIVIL RIGHTS**



**CONGRESSIONAL REQUEST FOR APPROPRIATION
FISCAL YEAR 2009**

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UNITED STATES COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

Request for Congressional Appropriation for FY 2009.....\$8,800,000
Program Change Relative to FY 2008 Request \$ 0

APPROPRIATION LANGUAGE

FEDERAL FUNDS

Salaries and Expenses

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$8,800,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

CRAFTING A CIVIL RIGHTS AGENDA FOR THE 21ST CENTURY AND CONTINUING TO SERVE AS THE CONSCIENCE OF THE NATION

FISCAL YEAR 2009 OVERVIEW

This budget request integrates our fiscal year (FY) 2009 performance budget with the new strategic goals and objectives in our Strategic Plan for Fiscal Years 2008-2013. Our four strategic goals are:

- *Shaping a national conversation on current and future civil rights issues that identifies civil rights priorities for policy makers;*
- *Expanding the capacity of federal agencies to raise public awareness of civil rights and efficiently and effectively execute their civil rights enforcement responsibilities by engaging in strategic partnerships;*
- *Serving as an authoritative national clearinghouse and repository of civil rights data and information; and*
- *Normalizing the Commission's financial and operational controls, and modernizing its information technology management and dissemination.*

Funding of \$8.8 million in FY 2009 generally supports program activities aligned with our strategic goals and objectives. These activities include:

- Conducting a national conference on civil rights issues in the 21st century that will lay the foundation for future projects and inform policy-makers and the public.
- Completing an annual federal civil rights enforcement report that assesses the effectiveness of the Department of Justice's (DOJ) fair housing initiative.¹ The report will incorporate related State Advisory Committee (SAC) fact-finding, as appropriate.
- Conducting public briefings and issuing briefing reports that focus on specific civil rights issues, present recommendations for change, and inform the public.²
- Complying with our statutory obligation to maintain 51 SACs by increasing the number of chartered SACs.
- Incorporating state and regional perspectives into our civil rights studies and activities by increasing the use of our SACs to collect and analyze state civil rights data.

¹ The topic or focus of this report is subject to change upon later review and reconsideration by the Commissioners.

² Topics of briefings, as referenced throughout this document, are subject to review and reconsideration by the Commissioners consistent with a policy adopted on July 11, 2008 requiring quarterly review and approval of briefing topics beginning with those for FY 2009.

- Completing a multi-state SAC report that highlights state civil rights issues and serves as a resource to policy-makers.
- Pursuing opportunities to partner with other federal agencies on substantive civil rights issues and ways of increasing public awareness about civil rights and federal enforcement efforts.
- Continuing to demonstrate improvement in our operational and financial management practices.

The prior three years of funding is compared to our FY 2009 request in the chart below.

Table 1: Agency Annual Appropriation				
	FY 2006	FY 2007	FY 2008	FY 2009
President's Budget Request	\$9,096,000	\$9,048,923	\$8,800,000	\$8,800,000
Congressional Appropriation	\$9,000,000	\$8,972,000	\$8,460,000	TBD
Actual Agency Operating Expenses	\$8,932,439	\$8,971,527	\$8,460,000 (estimated)	\$8,800,000 (estimated)

The table below represents actual agency spending for FY 2006 and FY 2007, as well as estimated spending for the next two years, by budget object code categories. This allows a ready comparison of changes in spending by category.

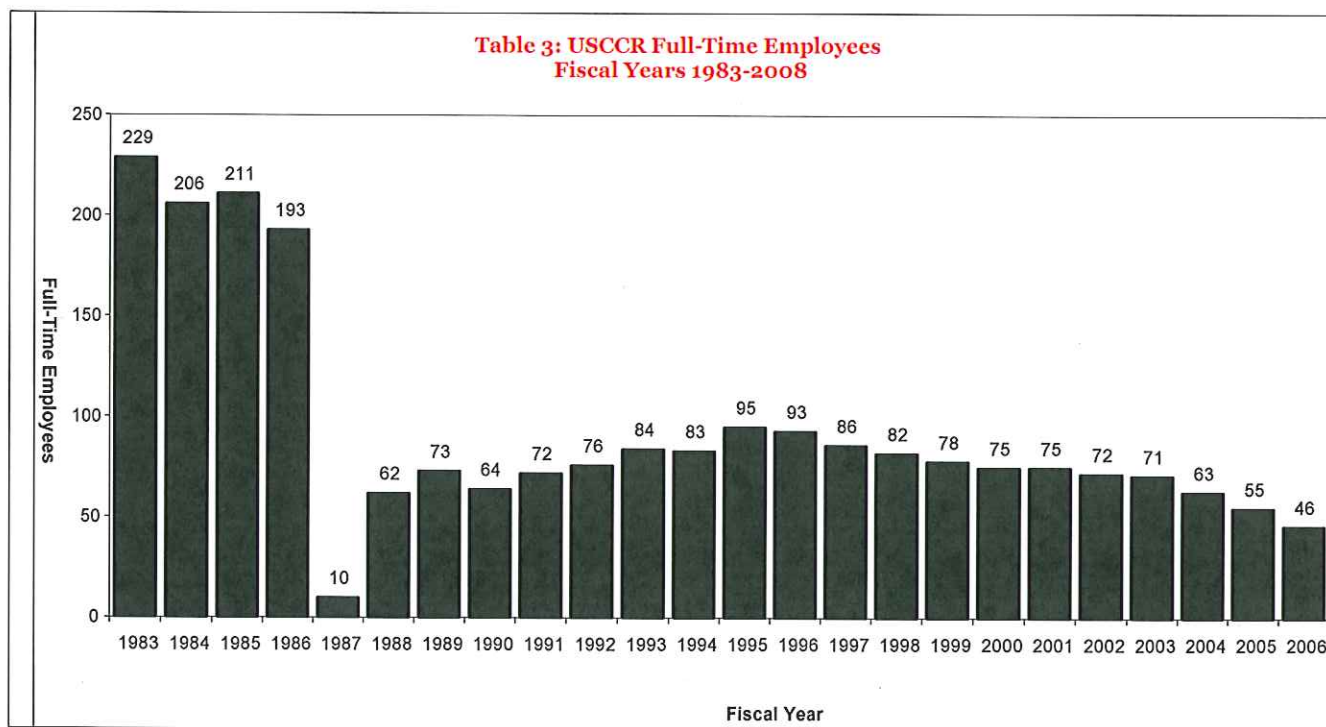
Table 2: Comparison of Agency Budget Spending				
	FY 2006 (actual)	FY 2007 (actual)	FY 2008 (estimated)	FY 2009 (estimated)
Salaries	4,022,935	3,631,231	4,224,345	4,184,031
Onboard				
New hires				101,515
Benefits	1,000,414	910,885	986,039	1,007,482
Travel	160,854	145,626	252,337	153,100
Rent (headquarters and regional)	1,275,392	1,271,976	1,299,999	1,303,066
Rent (other)		56,856	2,498	5,150
Transportation of Things (shipping/mailling/delivery)		2,000	25,552	
Communications	222,069 ³	91,874	203,095	331,012 ⁴
Printing	106,097	66,149	140,594	67,776
Other Services	1,064,496	1,097,534	1,228,851	1,428,688
Supplies	72,168	85,896	90,346	178,480
Equipment	233,607	30,582	6,344	39,700
TOTAL	\$8,158,032	\$7,390,609	\$8,460,000	\$8,800,000

³ This number includes rent (other), transportation of things, and communications. The agency did not disaggregate this information in FY 2006.

⁴ Communications consist of FEDEX mail, UPS, local telephone service, long distance service, postage and fees, blackberry transmissions, and conference calls.

Our estimated personnel cost (salaries and benefits) for FY 2009 is \$5,293,028.⁵ This supports 44 full-time staff positions. Our staffing level at the end of FY 2007 was 62 percent of our total allotted capacity of 76 full-time equivalents (FTEs). Essentially, we will experience a staffing freeze in FY 2008 and we expect no significant change in our staffing level in FY 2009. The requested FY 2009 funding allows us to attain a staffing level of 58 percent of our authorized capacity.

As reflected in Table 3, our staffing level in FY 1983 was 229 FTEs. Our projected FY 2009 staffing represents an 81 percent decrease when compared to FY 1983, and a 54 percent decrease when compared to FY 1995.



We continue to do more with less. We use attrition-related savings to absorb increasing expenses such as cost-of-living adjustments, pay raises (within grade increases and career ladder promotions), benefits, and performance awards and bonuses. We have also used attrition-related savings to engage management consultants and to support infrastructure improvements such as upgrades to our information technology systems.

⁵ This is the total of salaries, new hires, and benefits listed in Table 2.

The work of our agency is human resource intensive requiring attorneys, analysts, social scientists, and various support and administrative staff to plan and execute our program activities. Personnel costs, represented as a percentage of the agency's actual operating budget, are estimated at 62 percent of the agency's FY 2008 budget and 60 percent in FY 2009.

**AN AUTHORITATIVE SOURCE
OF
CIVIL RIGHTS RESEARCH AND INFORMATION**

FY 2009 HIGHLIGHTS AND PROGRAM PRIORITIES

Our \$8.8 million budget request will help support a new civil rights agenda for America and the promise of equal opportunity without regard to color, race, religion, sex, age, disability, or national origin. It allows the Commission not only to be a civil rights watchdog, but to support, advise and collaborate with the President, Congress, and other federal agencies when necessary and appropriate. It will also allow us to continue providing the public access to critical civil rights information. Established as an independent, bipartisan, fact-finding federal agency in 1957,⁶ we play a vital role in advancing civil rights through comprehensive investigation, research, and analysis on issues of fundamental concern to the federal government and the public.

Our mission is to inform the development of national civil rights policy and enhance enforcement of federal civil rights laws through quality research, objective findings, and sound recommendations for action. The President, Congress and the public benefit from our mandate⁷ of keeping all informed regarding civil rights issues, including discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice. We seek to achieve our mission in a manner that both recognizes the full range of civil rights issues facing Americans today and is responsive to the emergence of new issues and challenges.

In recent years examples of our work have included briefings, reports, and recommendations covering a wide range of civil rights enforcement and policy matters. Some of the topics we have explored include:

- School Desegregation, Justice Department Enforcement, and the Pursuit of Unitary Status

⁶ Civil Rights Act of 1957, Pub. L. No. 85-315, § 101, 71 Stat. 634 (1957). Other reauthorization statutes include the United States Commission on Civil Rights Act of 1983, Pub. L. No. 98-183, 97 Stat. 1301 (1983); United States Commission on Civil Rights Act of 1991, Pub. L. No. 102-167, ___ Stat. ___ (1991); Civil Rights Commission Amendments Act of 1994, Pub. L. No. 103-419, 108 Stat. 4338 (1994) (codified at 42 U.S.C.S. § 1975 (2005)).

⁷ We have six specific statutory responsibilities: (1) investigate charges of citizens being deprived of voting rights because of color, race, religion, sex, age, disability, or national origin; (2) collect and study information concerning legal developments constituting a denial of equal protection under the law or in the administration of justice; (3) monitor and appraise federal laws, policies and agencies to assess their civil rights enforcement efforts; (4) serve as a national clearinghouse for civil rights information; (5) prepare public service announcements and advertising campaigns to discourage discrimination and denials of equal protection of the laws; and (6) issue reports with findings and recommendations to the President and Congress.

- Affirmative Action in American Law Schools
- The Benefits of Racial and Ethnic Diversity in Elementary and Secondary Education
- Voter Fraud and Voter Intimidation
- Domestic Wiretapping in the War on Terror
- Blaine Amendments and School Choice
- Supplemental Educational Services under the No Child Left Behind Act (NCLB)
- Title IX Athletics
- Minority Children in Foster Care

We are continuing the tradition of being the nation's conscience on civil rights matters. Our national briefings use various subject matter experts, with different views, opinions, and perspectives, to discuss and examine civil rights issues. Researchers and social scientists, lawyers, federal and state government decision-makers, national and local organizations, and those directly affected by the policies or alleged discrimination are all included among the experts. We publish reports on our briefing topics examining the issues, data, and recommendations, if any, raised during the briefings. These reports also reflect our supplemental research, independent analyses, and our recommendations for future action by policymakers and Federal civil rights enforcement agencies. During FY 2007, for example, more than 7,700 copies of our briefing reports were printed and made available to the President, congressional members, federal agencies, and the public through direct mail and our civil rights library located in Washington, DC. In FY 2007 we made 58 findings and recommendations for corrective action by federal agencies and others.

A. National Office Fact-finding

Led by eight commissioners,⁸ our national and regional office staff of civil rights analysts, social scientists, attorneys, and our 51 state advisory committees, will carry out our mission in FY 2009 by aligning our program activities with the goals and objectives in our new Strategic Plan. We will measure performance against established targets, and report on our challenges and successes. In short, we will hold ourselves accountable for results.

During the year we will focus on several specific program activities, including:

- Conducting a national conversation on the future of civil rights that will lay the foundation for a national civil rights agenda that is firmly rooted in the 21st century, and inform our own decision-making about future research topics and projects.
- Holding four public briefings on civil rights that raise public awareness; the topics may include racial disparities in healthcare access and outcomes, school choice as a civil right, the use of disparate impact theory, and fair housing.
- Publishing five national office civil rights reports, including a statutory report, four briefing reports, and an emerging issue report.
- Conducting a joint national office and SAC civil rights research project on fair housing to support the publication of a data-driven, impartial, and credible civil rights study on

⁸ Four commissioners are presidential appointees and four are congressional appointees, all serve six-year terms.

the Department of Justice's enforcement of our nation's fair housing laws (statutory report).

- Reinvigorating our SACs by increasing the number of chartered SACs, reducing the backlog of expired SAC charters, and continuing to incorporate SAC input into our national program planning cycle.
- Completing a multi-state SAC report identifying state and local civil rights issues and priorities that assists policy-makers and enforcement agencies with targeting their efforts.
- Identifying opportunities to collaborate with other agencies on the development of a complaint database that identifies and tracks civil rights trends.
- Increasing our outreach to Congress and identifying areas where our research can inform policy-making.
- Increasing our participation in public events and symposia as a source of substantive civil rights expertise.
- Issuing press releases and holding a press conference to highlight important civil rights matters.
- Upgrading our information technology to increase public access to information.
- Sustaining improved financial management and accountability by continuing to execute our PART improvement plan and measuring performance, and implementing Commission-adopted Government Accountability Office recommendations consistent with our resources.

National office fact-finding program activity costs, including the national civil rights conference or forum, total \$1,652,107.

Table 4: FY 2009 National Office Project Costs by Budget Object Category (estimated)	
Salaries	1,205,982
Benefits	301,496
Travel	460
Rent, Communications and Utilities	4,370
Printing and Reproduction	53,700
Other Contractual Services	73,023
Supplies and Materials	13,075
Equipment	0
TOTAL	\$1,652,107

Table 5: National Office Fact-finding Costs by Activity⁹	
	Estimated Cost
School Choice as a Civil Right?	\$149,508
Racial Disparities in Healthcare Access and Outcomes	\$166,446
Use of Disparate Impact Theory	\$156,536
Fair Housing Initiative (briefing)	\$104,747
Fair Housing Initiative (statutory report)	\$456,258
Emerging Issue Report	\$86,475
National Civil Rights Conference or Forum	\$532,137
TOTAL	\$1,652,107

The proposed national civil rights conference will lay the foundation for future strategic planning, national office civil rights research projects, and joint regional and national office studies. Of no less importance is its contribution to shaping a new national civil rights agenda and proposals for changes to our authorizing legislation.

Table 6: Comparison of National Office Fact-finding Costs		
FY 2007 (actual)	FY 2008 (estimated)	FY 2009 (estimated)
\$504,968	\$244,512	\$1,652,107

B. Regional and State Advisory Committee Fact-finding

Fact-finding and reports by our State Advisory Committees account for 8.7 percent of the agency's FY 2009 budget or an estimated \$769,558. Key activities included in this estimate are a multi-state report on state and regional civil rights issues (\$6,000) and SAC participation in a national project on fair housing (\$28,802). Other SAC civil rights activities account for the remainder. These include an estimated 39 SAC reports, statements, and other projects on issues such as immigration, housing, school desegregation, and the voting rights of ex-felons. Individual budgets for each regional office, including all SAC fact-finding activities, are

⁹ These costs include personnel and non-personnel related expenditures but exclude overhead costs such as rent, phones, etc. National office briefing project names are provided for illustrative purposes only. Actual briefing topics may change as emerging issues develop or as a result of the agency's quarterly review and approval of upcoming briefing topics.

included as attachments to this document. *See Attachment 2: Project Obligation Plan by Object Class.*

By law, our SACs are unable to operate unless they have active charters. Reducing our backlog of expired SAC charters and renewing newly expiring charters within 60 days of expiration are key agency priorities supported by this FY 2009 funding request.¹⁰

Table 7: SAC Re-Chartering Budget		
FY 2008 (estimated)		FY 2009 (estimated)
Not Available¹¹	Currently	\$10,525

C. Complaint Processing and Monitoring

The complaint processing function, carried out by our Office of Civil Rights Evaluation (OCRE), continues to experience steady public demand. Complaints received by this office most often involve discrimination in the administration of justice and employment, law enforcement misconduct, and the rights of institutionalized persons. Other types of complaints include discrimination in housing, education, federal programs, voting, and public accommodations, violence or threats of violence based on prohibited animus, and human rights violations. More than 20 federal departments and agencies receive referrals from the Commission including the departments of Agriculture, Justice, Education, Housing, Labor, State, Transportation, and Defense. We receive, on average almost 3,000 complaints per year.

Table 8: Civil Rights Complaints & Referrals						
	FY02	FY03	FY04	FY05	FY06	FY07
National Office Complaints	4,132	3,714	2,988	3,006	2,945	2,956

Moreover, OCRE monitors publications, attends conferences, and works with other federal agencies and civil rights groups to identify existing and potential civil rights issues that may require Commission attention. The cost of continuing these services in FY 2009 is estimated at \$180,322.

¹⁰ "Renewing" as used here means obtaining Staff Director approval for submission of the appointment/re-charter package to the eight appointed commissioners for final approval.

¹¹ The agency's FY 2007 and FY 2008 budget estimates and operating plans were prepared before our budget decentralization initiative was underway. The FY 2007 pilot of this initiative, among other things, provides specific funding for regional office activities (including SAC related expenses).

Table 9: Complaint Referral and Monitoring Costs			
	FY 2007 (actual)	FY 2008 (estimated)	FY 2009 (estimated¹²)
Complaint Referrals (national and regional office)	58,256	53,490	120,787
Civil Rights Monitoring	16,977	49,084	59,535
TOTAL	\$75,233	\$102,574	\$180,322

D. Administrative Costs

In addition to project costs, including related personnel costs, a significant portion of our budget is devoted to operational or administrative functions. This includes, for example, rent, information technology and telecommunications, office supplies, contract services, and interagency agreements for various services. These basic administrative costs, as highlighted below, will exceed \$2.4 million in FY 2009 and are estimated to account for at least 27 percent of our budget.

Table 10: Examples of Significant Operational/Administrative Expenses in FY 2009	
Items	Cost (estimated)
External Accounting Services	398,974
E-Travel Services	3,000
IT Contractor/Consultant	62,000
IT Improvements/Upgrades	172,500
Web Site Maintenance Contract	10,000
Procurement Services Contractor /Consultant	99,000
Independent Auditing Services	97,000
Human Resources-related Services (non-salary related)	69,200
Office Space Rental	1,303,066
Printing/Design/Reproduction	67,776
Telephone (local and long distance)	145,950
TOTAL	\$2,428,466

¹² During FY 2009, we will continue supporting our current complaint system while working to identify ways to partner with other agencies and develop a broader complaint database.

To further support our budget request a detailed Project Obligation Plan by Object Class is provided that identifies line item expenses for each proposed FY 2009 project.

OVERVIEW OF THE ORGANIZATIONAL STRUCTURE

HEADQUARTERS OFFICES AND DIVISIONS

The Commission has eight commissioners. Their responsibilities include establishing Commission policy on civil rights issues, adopting program plans, goals and priorities, approving national office project proposals, and adopting the agency's budget. The Staff Director, appointed by the President with the concurrence of a majority of the commissioners, is the administrative head of the agency. Estimated commissioner-related costs constitute approximately 11 percent of our FY 2009 budget request.

We are requesting funding in the amount of \$893,176 to support eight commissioners and four full-time special assistants for the commissioners. This represents no increase in commissioner-related staffing.

**Table 11: Budget Estimate
Commissioners and Commissioner Special Assistants**

	FY 2008 (estimated)	FY 2009 (estimated)
Salaries ¹³	694,851	720,378
Benefits	79,523	86,190
Travel	99,000	86,608
Rent, Communications and Utilities	500	0
Printing and Reproduction	1,000	0
Other Contractual Services	17,763	0
Supplies and Materials	0	0
Equipment	0	0
TOTAL	\$892,637	\$893,176

¹³ Commissioners are not full-time government employees. Salary assumptions include: 1) the maximum billable hours currently allowed by our statute for each commissioner (600 billable hours for each commissioner estimated at \$42,000 per commissioner, with the exception of the chairperson who is permitted 1,000 billable hours estimated at approximately \$70,000), 2) four full-time special assistants at the GS-13 level (\$68,625 to \$89,217), and 3) locality pay adjustments.

There are seven operational offices and divisions in our national or headquarters office and each is discussed in the sections below.

A. Office of the Staff Director

The operating budget for this office is an estimated \$1,027,941. This office, through the Staff Director, oversees the overall operation and management of our agency including:

- disseminating policies established by the commissioners to our staff,
- recommending program activities or projects for approval by the commissioners,
- managing agency-wide performance and evaluating program results,
- overseeing and coordinating the completion of the substantive civil rights work,
- ensuring that the budget is executed in a manner consistent with established priorities, and
- serving as liaison for the Commission with the Executive Office of the President, the Congress, and other federal agencies.

This office also oversees all agency program activities and initiatives. OSD's staff currently includes a Staff Director, as the administrative head of the agency, and an Associate Deputy Staff Director, Solicitor, two career attorney advisors, and two administrative support specialists (secretaries).¹⁴ Unfilled positions during FY 2009 include four vacant Schedule C positions for special assistants to the Staff Director at GS-11/13, a congressional affairs specialist, and a public affairs specialist both at the GS-13 level.

Table 12: Office of the Staff Director Staff

FY 2006 (actual)	FY 2007 (actual)	FY 2008 (estimated)	FY 2009 (estimated)
7	7	7	7

**Table 13: Budget Estimate
Office of The Staff Director
(excluding Commissioners and Commissioner Assistants)**

	FY 2007 (actual)	FY 2008 (estimated)	FY 2009 (estimated)
Salaries	726,688	728,937	782,754
On-Board (Full-time Permanent)			
New Hires (Full-time Permanent)			
Benefits	178,911	180,922	195,689
Travel	103,407	19,637	13,392
Rent, Communications and Utilities	0		1,700
Printing and Reproduction	13,528	18,033	4,276
Other Contractual Services	35,591	16,910	27,630

¹⁴ The Staff Director supervises the chief of the Regional Programs Coordination Unit. In several prior budget requests the RPCU chief position was considered an OSD vacancy. RPCU, as represented by our organizational chart, is a separate organizational unit. Consequently, the position of chief of RPCU is included in the budget for regional operations to better represent the costs and budgetary needs of our regional programs.

Table 13: Budget Estimate Office of The Staff Director (excluding Commissioners and Commissioner Assistants)			
Supplies and Materials	0	200	2,500
Equipment	0	0	0
TOTAL	\$1,058,125	\$964,639	\$1,027,941

B. Office of the General Counsel

The Office of the General Counsel (OGC) provides the legal expertise and advice required to support our fact-finding, and ensures the legal integrity of our written products. This office supports the lawful operation of the agency and advises agency leadership and career managers on a range of administrative law matters. The operating budget for this office is projected to be \$451,539.

The General Counsel and his staff represent the agency in administrative hearings before the Equal Employment Opportunity Commission and the Merit System Protection Board, defend the agency in contract protests, and review and advise on numerous other matters with legal implications for the agency.

In FY 2008, the General Counsel (GS-15) and two attorney-advisors staffed this office. No funding to increase this staffing level in FY 2009 is sought.

Table 14: Office of the General Counsel Staff			
FY 2006 (actual)	FY 2007 (actual)	FY 2008 (estimated)	FY 2009 (estimated)
4	3	3	3

As a program office, during FY 2009, OGC may conduct two briefings¹⁵: The Misuse of Disparate Impact Theory, and School Choice as a Civil Right?. Disparate-impact theory holds that when an action has a disproportionate effect on a group, it can be challenged as illegal discrimination. Neither intent nor actual disparate treatment is required to prove discrimination under a disparate-impact theory. So far, only employment discrimination (both the Age Discrimination in Employment Act and Title VII of the Civil Rights Act) and voting statutes clearly use the disparate impact approach. However, many federal regulations adopting the disparate impact theory have been promulgated under Title VI of the Civil Rights Act of 1964. This briefing would examine whether federal agencies apply the disparate impact theory in the enforcement of statutes that prohibit intentional discrimination and whether, as a result, these agencies impose illicit racial quotas.

The second OGC project may focus on school choice. Despite fifty years of *de jure* desegregation in public schools, there remains substantial *de facto* segregation in these schools

¹⁵ Actual briefing topics may change as emerging issues develop or as a result of the agency's quarterly review and approval of upcoming briefing topics.

and a significant achievement gap between white and African-American students. Many African-American students are trapped in failing inner city schools with few resources. Many states and localities have proposed voucher programs, charter, magnet schools, and restructuring to help these students escape struggling schools. At the federal level, President Bush's FY 2007 budget provided \$26.3 million for this Voluntary Public School Choice Program, which offered grants to states and school districts to establish or expand innovative public school choice programs. He also requested an additional \$15 million for the D.C. School Choice Initiative (which provides low-income parents in our nation's capital more options for obtaining a quality education) and \$100 million for America's Opportunity Scholarships For Kids (which would provide parents with scholarships worth up to \$4,000 to transfer and transport their child to a private school if the child is enrolled in a school that has not made adequate yearly progress for at least six years or is being restructured). This project assesses the potential impact on the quality of education available to students in failing schools.

**Table 15: Budget Estimate
Office of the General Counsel**

	FY 2007 (actual)	FY 2008 (estimated)	FY 2009 (estimated)
Salaries	437,426	324,285	325,423
On-Board (Full-time Permanent)			
New Hires (Full-time Permanent)			
Benefits	105,096	80,488	81,356
Travel	1,955	15,000	10,000
Rent, Communications and Utilities	0	0	800
Printing and Reproduction	23,488	9,173	19,000
Other Contractual Services	3,585	0	3960
Supplies and Materials	2,116	0	11,000
Equipment	666	0	0
TOTAL	\$574,332	\$428,946	\$451,539

C. Office of Civil Rights Evaluation

Our other program office in headquarters, the Office of Civil Rights Evaluation (OCRE), is staffed with social scientists and civil rights analysts and provides critical social scientific analysis in our civil rights reports. We are seeking \$950,863 to support the work of this office, including hiring a civil rights analyst in FY 2009.

Table 16: Office of the Civil Rights Evaluation Staff

FY 2005 (actual)	FY 2006 (actual)	FY 2007 (actual)	FY 2008 (estimated)	FY 2009 (estimated)
9	5	6	6	7

As initially proposed, OCRE may have direct responsibility for several civil rights briefings and reports:

- Fair Housing Initiative to Combat Housing Discrimination (statutory report),¹⁶
- Fair Housing Initiative (briefing),¹⁷ and
- Racial Disparities in Health Care Access and Outcomes (briefing and briefing report).

Our statutory report will focus on one or more aspects of fair housing, among the issues being considered are the subprime mortgage crisis and redlining. The purpose of this report is to assess the effectiveness of related federal agency initiatives including, but not necessarily limited to, education and enforcement efforts. Findings and recommendations will be made that should assist the responsible agencies in their efforts.

This office will continue to support our monitoring and complaint processing functions. Consistent with agency resources, OCRE will monitor the activities of numerous federal agencies, as well as national and regional civil rights trends. Monitoring is typically carried out by scrutinizing news accounts, the Internet, and occasionally conducting interviews with federal agency staff. By being generally informed of relevant developments, we are positioned to: (1) research and identify executive branch working groups and/or interagency task forces that present opportunities for partnering; (2) research and identify areas and specific activities where we could partner with another federal agency to raise public awareness of civil rights (including federal enforcement efforts); (3) respond readily and knowledgeably to requests for comments and advice from other federal agencies, Congress, the media, and the public; (4) increase the quality of information available for Commission project and policy planning; and (5) identify opportunities for the Commission to timely take action that informs public debate on civil rights matters. The primary focus of our monitoring efforts in FY 2009 will be:

- Researching and identifying executive branch working groups and/or interagency task forces that present opportunities for partnering; and
- Researching and identifying areas and specific activities where we could partner with another federal agency to raise public awareness of civil rights (including federal enforcement efforts).

In FY 2009, through this office we will continue receiving, researching, analyzing, and referring civil rights complaints to the appropriate federal, state or local agency. This office will be central in our efforts to partner with other federal agencies to develop a database of civil rights complaints appropriate for identifying and tracking civil rights trends. The outcome of this effort should be information sufficient to allow enforcement agencies to better target the use of their limited resources.

¹⁶ This topic or its scope is subject to change.

¹⁷ The briefing will inform the fair housing statutory report. No briefing report will be issued.

Table 17: Budget Estimate Office of Civil Rights Evaluation			
	FY 2007 (actual)	FY 2008 (estimated)	FY 2009 (estimated)
Salaries	513,970	526,684	661,760
On-Board (Full-time Permanent)			
New Hires (Full-time Permanent)			
Benefits	117,022	130,723	165,440
Travel	984	15,000	10,000
Rent, Communications and Utilities	0	0	1400
Printing and Reproduction	8,119	19,665	34,700
Other Contractual Services	10,344	5000	66,063
Supplies and Materials	225	200	11,500
Equipment	0	0	0
TOTAL	\$650,664	\$697,272	\$950,863

D. Office of Management

The Office of Management (OM) provides administrative support to all our offices and divisions. Several organizational units/components report to the director of management.

- The Budget and Finance Division (BFD)
- The Human Resources Division (HRD)
- The Administrative Services and Clearinghouse Division (ASCD)

The estimated combined operating budget for OM is \$3,941,059. Though OM has no direct civil rights program responsibilities, their administrative work supports our ability to attain our strategic goals and objectives, including the goal of complying with applicable federal rules and regulations. Their work, for example, goes a long way toward:

- Ensuring that our civil rights reports are designed, edited, and published through a contract with the Government Printing Office and other vendors.
- Ensuring that civil rights reports are distributed to interested parties by mail, our Web site, and our library.
- Ensuring that our Web site provides current information about Commission activities and significant civil rights developments.
- Ensuring that our SAC and Commission meetings and public fact-finding activities are logistically supported.
- Ensuring that needed goods and services are promptly procured in a manner consistent with applicable law and regulations.
- Ensuring agency compliance with Office of Personnel Management rules and regulations.

**Table 18: Budget Estimate
Office of Management (all components)**

	FY 2007 (actual)	FY 2008 (projected)	FY 2009 (projected)
Salaries	986,540	886,798	704,544
On-Board (Full-time Permanent)			
New Hires (Full-time Permanent)			31,751
Benefits	250,760	250,603	214,074
Travel	3,322	0	4,100
Rent, Communications and Utilities	1,125,327	1,097,931¹⁸	1,555,136
Printing and Reproduction	7,986	50,355	6,000
Other Contractual Services	860,190	1,149,531	1,244,004
Supplies and Materials	59,265	78,027	141,750
Equipment	30,076	104,344	39,700
TOTAL	\$3,323,466	\$3,617,589	\$3,941,059

During FY 2009 OM will oversee the installation and use of Personal Identity Verification (PIV) compliant identity credentials, called Smart Cards, as required by Homeland Security Presidential Directive 12 (HSPD-12). In addition to an investment of \$98,000 made during FY08, this required project should cost an additional \$16,500 in support and maintenance fees in FY 2009. These costs are reflected in the "Equipment" budget category.

i. BUDGET AND FINANCE DIVISION

In FY 2006, we contracted out significant portions of our budget operation. We expanded the scope of these services to include a full range of budget and financial management services in FY 2007 and FY 2008. This provider is located off-site, that is, not within Commission headquarters or the Washington, DC metro area. Our estimated FY 2009 cost for these services is \$398,974.¹⁹

One budget analyst (GS-11) in our Budget and Finance Division supplements and supports the work of the external services provider by coordinating internal processes and procedures, reconciling and validating financial transactions or entries made by the services provider, and generally ensuring that financial information and reporting is accurate.

During FY 2007 we used temporary contract labor to fill the budget assistant (GS-5) position and provide administrative support to the internal operations of our budget office. In FY 2008, however, we retained a full-time temporary federal employee for this position. We propose retaining the budget assistant during FY 2009, to the extent our funding allows.

The director of budget and finance position is expected to remain vacant during FY 2009.

¹⁸ This includes rent, communications, and utilities for the Washington headquarters office only. In FY 2009 we expanded this category to include all headquarters and regional office rent, communications, and utilities expenses.

¹⁹ This represents a projected \$16,081 increase over FY 2008.

Table 19: Budget and Finance Division Staff (excluding contract workers)				
	Budget Director	Budget Analyst	Budget Assistant	TOTAL STAFFING
FY 2007	0	1	0	1
FY 2008	0	1	1	2
FY 2009	0	1	1	2

ii. HUMAN RESOURCES DIVISION

The position of director of human resources will remain vacant through FY 2009.²⁰ In FY 2008, however, we supplemented our internal staff by hiring a human resources assistant at the GS-6 grade.²¹ Currently, our Human Resources Division has three employees, two human resource specialists (GS-11 and GS-13) and a human resources assistant (GS-6).

Table 20: Human Resources Division Staff					
	Director	Specialist	Assistant	Other	TOTAL STAFFING
FY 2007	1	2	1		4
FY 2008	0	2	1		3
FY 2009	0	2	1		3

iii. ADMINISTRATIVE SERVICES AND CLEARINGHOUSE DIVISION

ASCD is responsible for the five organizational components listed below and has five full-time employees.

- Procurement/Acquisition
- Information Technology
- Robert Rankin National Civil Rights Library
- Copying/Printing Center
- Mail Room

Table 21: Administrative Services and Clearinghouse Division Staff (excluding contract workers)							
	Office of ASCD	Procurement	Information Technology	Library	Copy Center	Mail Room	TOTAL STAFFING
FY 2007 (actual)	2	0	1	1	1	0	5

²⁰ The position of director of human resources became vacant during FY 2007.

²¹ This position became vacant during the latter part of FY 2007.

Table 21: Administrative Services and Clearinghouse Division Staff (excluding contract workers)							
FY 2008 (est.)	2	0	1	1	1	0	5
FY 2009 (est.)	2	0	1	1	1	0	5

In FY 2007, the chief of ASCD provided our acquisition and procurement services, with assistance from a contract procurement specialist on an “as-needed” basis. This arrangement terminated in FY 2008. In FY 2009, we plan to secure contract procurement expertise to once again support ASCD.

In FY 2009, our agency IT specialist will continue to meet our information technology needs with supplemental assistance from a contractor. We will also receive Web site support and management services from the Government Printing Office through an interagency agreement. Our Rankin National Civil Rights Library, staffed by a library technician (GS-8), will continue responding to requests from the public for copies of Commission publications, and assisting the public and agency staff with locating requested civil rights-related publications and sources. The copying/printing office, also with one staff member (GS-5), is responsible for all larger internal copying requests, as well as mail sorting and delivery. As of April 2008, ASCD had five full-time permanent staff members and this staffing level is expected to continue through FY 2009.

E. Equal Employment Opportunity (EEO) Programs

This office is responsible for the overall management of our EEO complaint system. This system affords applicants for employment and employees of the Commission who believe that they have been discriminated against on the basis of race, color, age, religion, national origin, sex (including sexual harassment), physical or mental disability, or reprisal in connection with EEO-related activities, a means of review and appeal through which to seek appropriate relief. This office currently has no full-time staff; an OCRE staff member serves as the head of our EEO office as a collateral duty.

Table 22: Budget Estimate Equal Opportunity Programs Office			
	FY 2007 (actual)	FY 2008 (projected)	FY 2009 (projected)
Salaries	0	0	0
On-Board (Full-time Permanent)			
New Hires (Full-time Permanent)			
Benefits	0	0	0
Travel	0	0	0
Rent, Communications and Utilities	0	0	0
Printing and Reproduction	0	0	0
Other Contractual Services	0	0	7,000
Supplies and Materials	0	0	0

**Table 22: Budget Estimate
Equal Opportunity Programs Office**

Equipment	0	0	0
TOTAL	0	0	\$7,000

The \$7,000 in the EEO budget is for training. Mandatory NO FEAR Act training is required for all employees every two years. Our employees received training in FY 2007. Also included is funding for training staff with EEO responsibilities to attend EEOC's annual conference. The training money will also allow EEO counselors to receive mandatory annual training.

G. Congressional Affairs Unit

The Congressional Affairs Unit (CAU) serves as our liaison with Congress, responding to requests for specific information, identifying opportunities for our commissioners and others to provide testimony and information to congressional members and their staff on civil rights matters, and ensuring the distribution of our studies and reports to all members. CAU monitors the legislative activities of Congress and provides support in the conceptualization and production of studies and reports with information gathered via their monitoring activities. As in prior years, all staff positions in CAU will be vacant in FY 2009. Basic duties will be handled by an attorney advisor in the Office of the Staff Director.

H. Public Affairs Unit

The Public Affairs Unit (PAU) serves as the public voice of the Commission and ensures that the public knows about our activities and publications. It also coordinates and carries out such activities as briefing reporters, holding press conferences, issuing press releases, seeking out and arranging press interviews and speaking engagements for commissioners and approved staff, and monitoring press activity regarding the Commission and civil rights issues. PAU deals directly with the public in responding to inquiries and by attending meetings of civil rights organizations. As it was in prior years, all staff positions in PAU will be vacant in FY 2009. Some basic duties, such as preparing press releases, will be handled on an "as-needed" basis by an attorney advisor in the Office of the Staff Director.

REGIONAL OPERATIONS: REGIONAL OFFICES AND STATE ADVISORY COMMITTEES

A. Regional Programs Coordination Unit

Our budget request includes \$152,146 to support this unit and \$1,383,282 to support our regional offices and advisory committees. The Regional Programs Coordination Unit (RPCU), located in headquarters and reporting to the Staff Director, ensures that individual regional programs are sufficiently coordinated across regions and within headquarters. The chief of RPCU ensures that headquarters provides support and guidance, where appropriate, to the regional offices and the State Advisory Committees. When fully staffed, RPCU, through its writer-editor, also provides support in the finalization and publication of headquarters-developed and regional office reports and studies. A full-time chief of RPCU was hired in FY 2008, though no other unit staff will be onboard through FY 2009.

Table 23: Budget Estimate Regional Programs Coordination Unit (excluding regional offices)			
	FY 2007 (actual)	FY 2008 (projected)	FY 2009 (projected)
Salaries	0	110,363	115,317
On-Board (Full-time Permanent)			
New Hires (Full-time Permanent)			
Benefits	0	27,392	28,829
Travel	0	15,000	2000
Rent, Communications and Utilities	0	7700	0
Printing and Reproduction	0	42,368	0
Other Contractual Services	0		6,000
Supplies and Materials	0		0
Equipment	0		0
TOTAL	0	\$202,823	\$152,146

B. Regional Offices

The RPCU chief coordinates the activities of the Commission's six regional offices. These offices provide critical support to the 51 State Advisory Committees. A regional director heads each office and, historically, each office includes at least one civil rights analyst and a secretary. Regional directors are also responsible for the day-to-day administration of their office and the supervision of office staff.

Our regional alignment is below.

- Central Region (CRO): Alabama, Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, and Oklahoma.

- Eastern Region (ERO): Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.
- Western Region (WRO): Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Texas, and Washington.
- Southern Region (SRO): Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee.
- Rocky Mountain Region (RMRO): Colorado, Montana, New Mexico, North Dakota, South Dakota, Utah, and Wyoming.
- Midwestern Region (MWRO): Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

Attrition over the past three years has left numerous regional positions vacant. In FY 2008 the Commission promoted qualified internal candidates, then serving as regional civil rights analysts, to regional director positions. However, we were not able to backfill the resulting analyst vacancies. Our current and projected FY 2009 regional office staffing levels are presented below in Table 24.

Table 24: Regional Office Staff					
	Regional Director	Civil Rights Analyst	Secretary	Other	Totals
Eastern Region	1	1	1		3
Central Region	1		1		2
Western Region			1		1
Southern Region	1			1	2
Midwestern Region	1		1		2
Rocky Mountain Region	1		1		2
TOTAL STAFFING	5	1	5	1	12

Table 25: Budget Estimate Regional Offices FY 2009 (excluding RPCU)							
	ERO	CRO	WRO	SRO	RMRO	MWRO	TOTAL
Salaries	290,496	139,438	44,950	174,352	148,965	145,423	\$943,624
Onboard							
New Hires	0						
Benefits	72,624	34,860	11,237	43,588	37,241	36,356	\$237,706
Travel	2,000	5,000	5,000	5,000	5,000	5,000	\$27,000
Rent, Communications and Utilities	26,112	2,500	17,200	11,400	13,575	9,405	\$80,192
Printing and Reproduction	2,310	500	0	0	0	990	\$3,800

**Table 25: Budget Estimate
Regional Offices FY 2009
(excluding RPCU)**

Other Contractual Services	34,950	7,500	8,102	4,068	6,700	19,711	\$84,470
Supplies and Materials	0	250	3,600	2,400	4,360	1,120	\$11,730
Equipment	0	0	0	0	0	0	0
Total	\$428,492	\$190,048	\$90,089	\$240,808	\$215,841	\$218,004	\$1,383,282

AGENCY STRATEGIC GOALS, EXPECTED OUTCOMES, PERFORMANCE MEASURES, ANNUAL PLAN

STRATEGIC GOALS

Our Strategic Plan for FY 2008-FY 2013 has four statements of agency-wide aims or goals. We believe we are positioned to make progress toward achieving these long-term goals during FY 2009 despite clear budgetary challenges.

Strategic Goal 1: Shaping a national conversation on current and future civil rights issues that identifies civil rights priorities for policy makers.

Strategic Objectives and Performance Measures

Objective 1: Reinvigorating the Commission's State Advisory Committees (SACs), consistent with our budgetary resources.

By statute, we must have a SAC in each of the 50 states and the District of Columbia. As of June 30, 2007, we increased the number of active charters from twelve to seventeen. In April 2008 more than 50 percent (twenty-six) of our SACs were chartered. In FY 2009, we anticipate:

- Increasing the number of SACs re-chartered to 90 percent over our baseline.
- Reducing the backlog of SACs with expired charters by 50 percent (using FY2007 as a baseline year).
- Achieving an average re-charter time of 60-days for SAC with newly expiring charters (January 30, 2007 or after).

Objective 2: Energizing the Commission's SACs by enhancing their institutional role in program planning and increasing their productivity.

Program planning is the formal process used by the Commissioners to approve future program activities or civil rights topics for study and research. While the formal process should occur annually between January and March, additional projects are approved at other times as issues emerge. We plan to include SACs in the national planning process during FY 2009 and realize an increase in SAC productivity by:

- Seeking input from our chartered SACs as a part of the national program planning cycle annually by October 31st.
- Conducting a joint national office and SAC project on DOJ's Fair Housing Initiative, and issuing a report within 12 to 18 months of initiating the project.
- Soliciting SAC ideas annually in October for SAC follow-up activities on national office projects at the regional, state, and local levels.

Objective 3: Commission a multi-state report using individual SACs to identify civil rights priorities facing their states/regions.

We propose completing a multi-state SAC report in FY 2009. This report, based on the identification of current and emergent state and regional civil rights issues by the SACs, will be a valuable tool for policy-makers, researchers, and civil rights advocates. The report would inform enforcement, budget, research, and other decisions by these groups for years into the future. The Commission can benefit from this report by using the findings to inform our national program decisions.

Objective 4: Convene a national conference in FY 2009 to elicit diverse, multi-disciplinary and bipartisan perspectives on civil rights in the 21st century.

We intend this conference or forum to be a significant gathering of scholars, practitioners, policy-makers and civil rights specialists. The outcome of the conference will be a report, scheduled for FY 2010 release, on civil rights priorities for the 21st Century. It will be suitable for use as a reference by policy-makers and others with civil rights responsibilities. In addition, information gathered at the conference will inform future strategic and annual program planning for our agency.

In support of this objective, during FY 2009 we propose to:

- Attain the attendance of 100 members of the public, policy-makers, scholars and others at a national civil rights conference or forum.
- Undertake the drafting of the conference report for finalization in FY 2010.
- Identify three civil rights issues and research topics appropriate for incorporation into our national program planning process beginning in FY 2010.
- Identify, giving due consideration to the national conference outcomes, civil rights issues and research topics that could lay the foundation for updating the Commission's Strategic Plan in 2011.
- Identify, giving due consideration to the national conference outcomes, areas where the Commission's powers and mission need to be expanded to respond to emerging challenges and publish this information by FY 2011.

We will distribute the conference report to stakeholders through our Web site, direct mail, and the Robert Rankin National Civil Rights Library at our national headquarters.

Factors Potentially Affecting Performance Related To Strategic Goal 1 and its Objectives

One factor that could affect our ability to meet our target performance related to SAC chartering is regional office staffing and skill levels. Recent attrition in our regional offices, coupled with our inability to fill existing vacancies, has created a lack of institutional knowledge about the SAC member appointment and committee re-chartering processes. Constraints related to funding limit the ability of regional office staff to travel for SAC member outreach/recruitment, and limit the ability of chartered committees to conduct meetings and fact-finding.

Through our FY 2007 Lean Six Sigma (LSS) process improvement initiative we standardized, formalized, and documented our SAC rechartering processes. We also created “critical-to-quality” indicators to improve the quality of membership appointments and developed timelines and lifecycles to track the progress of chartering activity. Our LSS initiative should allow us to mitigate the impact of the loss of institutional memory in our regional offices.

Timely completion of our proposed joint national and SAC civil rights report on fair housing and the multi-state SAC report may be influenced by a number of factors, including one or more of the following:

- the willingness of chartered SACs to participate in the joint project;
- the ability of existing regional staff to adequately support SACs who choose to participate in the joint project;
- the availability and sufficiency of the research data at the state and/or local levels; and
- the ability to create a uniform methodology for research, collecting, analyzing, and reporting data and other information.

Several factors could adversely affect national conference planning and execution, including the following:

- the absence of adequate funding to oversee conference planning and execution efforts;²²
- the interest of renowned researchers, policy analysts, and others in participating and otherwise supporting the event; and
- the absence of a public affairs or media specialist.

To minimize the impact of these factors we created an internal working group on conference planning in FY 2008. The working group includes representatives from across organizational units who have responsibility for some aspect of the conference. Our ability to craft and execute a media strategy that is realistic in light of our available resources is important to the success of the conference. We anticipate relying heavily on issuing press release/advisories, printing, and mailing or emailing “hold-the-date” notices, and using web-based resources to identify stakeholders who would be interested in the event.

Strategic Goal 2: Expand the capacity of federal agencies to raise public awareness of civil rights and efficiently and effectively execute their civil rights enforcement responsibilities by engaging in strategic partnerships.

Strategic Objectives and Performance Measures

²² These efforts include funding sufficient to: 1) ensure the use of a conference structure and format that is conducive to achieving the goals of issue-spotting and clearly articulating the importance of specific issues to civil rights policy, and 2) permit the selection of a date and location that reasonably ensure high participation while minimizing costs.

Objective 1: Study the role and effectiveness of the different federal enforcement agencies and make recommendations as to how those agencies might enhance their effectiveness.

Our statutory report for FY 2009 will examine the effectiveness of the Department of Justice's (DOJ) fair housing enforcement. The report will include recommendations for enhancing DOJ's enforcement efforts.

Objective 2: Partner with other federal civil rights agencies to raise public awareness of civil rights laws, remedies, and enforcement agencies.

We currently propose a public service campaign targeting a specific civil rights issue or a general "know your rights" campaign. Several agency offices will support this effort and be responsible for identifying and developing appropriate partnership opportunities. Background or preparatory work will begin during FY 2009 on identifying areas of possible collaboration. We propose entering into a MOU with another federal agency in FY 2011.

Objective 3: Partner with other civil rights agencies to collect and analyze data on various civil rights topics.

To achieve this objective we propose collecting data (e.g., information on types of complaints, the number of complaints, geographic areas experiencing increases in types of complaints) from other agencies on civil rights complaints to identify discrimination trends. Over time, this information will assist agencies, policy-makers, and the public in identifying areas requiring concentrated enforcement and public education efforts. This project should be completed in FY 2011; however, background or preparatory work will begin in FY 2009 to identify areas of possible collaboration.

Objective 4: Partner with other civil rights agencies in studying the effectiveness of current civil rights laws, in developing reasonable interpretations of unclear laws, and in making recommendations for updates or changes to current law.

Our performance related to this objective is long-term; specifically, to participate in at least one significant working group by FY 2012. In FY 2009 and FY 2010, through OCRE's monitoring function, we propose identifying opportunities for participating in various working groups.

The transition in national leadership may be an opportunity for the Commission to engage the new administration in a dialogue about its civil rights vision and agenda. Our agency may well pursue issuing guidance, consulting, or advising with the executive branch on civil rights matters.

Also in FY 2009 we propose establishing congressional contacts that provide substantive insight and direction on legislative agenda items. Our target is to increase the number of these contacts by 40 percent over FY 2007 performance. That year, members of the Commission appeared before Congress and influenced national civil rights policy by:

- providing congressional testimony before the Senate Judiciary Committee on a bill that would make voter intimidation a federal crime; and
- providing congressional testimony before the Senate Judiciary Committee on the 50th Anniversary of the Civil Rights Act of 1957.

Objective 5: Promote public awareness of current civil rights laws, remedies and enforcement agencies.

To execute this objective in FY 2009 we propose several specific actions with clear target levels of performance including:

- hosting four public briefings and a national conference or forum on civil rights issues,²³
- issuing ten press releases related to civil rights issues and Commission activities,
- holding one press conference announcing the issuance of the Commission's statutory report or the proposed national civil rights conference,
- posting at least 21 Commission reports, and meeting and briefing transcripts on our Web site for public access,
- providing assistance to members of the public seeking advice and information about protecting their civil rights by maintaining a 30-day complaint referral response time, and
- increasing participation in public policy symposia and venues in which the Commission shares its views concerning civil rights policies by 2 percent.

Factors Potentially Affecting Performance Related To Strategic Goal 2 and its Objectives

Several external factors may affect the completion of our target level of performance on the statutory report during FY 2009. These include:

- unanticipated changes to our internal requirements governing report production, and
- unanticipated delays by the affected federal agencies in responding to our requests for data (e.g., interrogatories, requests for documents, and other discovery requests).

Strategies for minimizing these factors may involve incorporating sufficient time into project management timelines to compensate for delays in receiving agency responses, reminding agencies of their obligation to fully cooperate pursuant to our statute, and considering using our subpoena power in the appropriate situations. With respect to the report production process, project managers should increase their monitoring and evaluation of the applicable process maps and lifecycles to:

- ensure appropriate implementation and/or use,
- promptly identify bottlenecks and other problems or concerns, and
- report concerns and supporting documentation to the responsible office/division head and the agency's performance improvement officer.

²³ Conducting five briefings is our annual target level of performance; however, the national conference serves as the fifth briefing in FY 2009.

While we continue to acknowledge the importance of a more collaborative relationship with Congress, we remain without a congressional affairs liaison. Therefore, we find ourselves using ad hoc means of establishing our agency as a trusted advisor to Congress on emerging civil rights issues. The resulting adverse impact on our ability to inform the policy debate can, therefore, be reasonably anticipated. Included among them are:

- limited access to congressional members and staff;
- limited ability to support and foster productive congressional relationships;
- limited ability to provide a timely responses to a fast-moving congressional agenda; and
- limited ability to sufficiently and routinely track legislative developments and predict emerging issues.

A factor that may affect performance related to maintaining a 30-day complaint processing time is our plan to collect and analyze complaint data from other agencies to identify trends. This will increase the workload of the responsible staff in OCRE and potentially increase processing time.

Our use of technology to provide public access to civil rights information may be adversely affected by:

- delays in receiving and editing transcripts of our meetings and briefings for posting on the Web, and
- delays in posting material to the Web either by GPO or our IT staff due to system malfunctions and workloads.

Strategies for addressing these factors may include using temporary or contract help to resolve a backlog of transcripts, improving communication and coordination with GPO on the number, types, and timing of our website postings, and developing internal capacity allowing us to directly post information on our Web site.

Strategic Goal 3: Serve as an authoritative national clearinghouse and repository of civil rights data and information.

Strategic Objectives and Performance Measures

Objective 1: Strengthen the quality and objectivity of the Commission's reports.

The research and investigations that contribute to our briefings and reports increasingly meet high quality standards. In FY 2008, we implemented our Information Quality Guidelines (IQG) to further support the quality of our written work products. Other quality and transparency procedures previously adopted by the Commissioners for national office written work products will be applied, as appropriate.

FY 2009 is a baseline year for collecting data on the use of our Information Quality Guidelines (IQG) for performance management purposes. Performance targets for FY 2010 through FY

2013 are based on FY 2009 baseline data. Two specific baseline measures being established in FY 2009 are:

- the number of adverse decisions under agency information quality guidelines; and
- the percentage of agency decisions reversed on appeal under information quality guidelines.

During FY 2009 we will continue improving agency management including attaining 100 percent implementation of all adopted Government Accountability Office (GAO) findings and recommendations consistent with any Commissioner-approved timeline.

Between early 2005 and July 2007, we addressed all GAO recommendations for management, operational, and financial reform. We estimate that 90 to 95 percent of these recommendations have been fully implemented. Annual planning, improved budget formulation (i.e., integration of budget and performance), and data collection to support PAR reporting will remain priorities during FY 2009. Our new strategic plan, adopted in October 2007, provides a sound foundation for improvement in both areas.

The FY 2009 performance budget incorporates the adopted Strategic Plan for FY 2008-FY2013. The FY 2008 performance plan also incorporates most, if not all, of the new strategic plan. The FY 2009 PAR will be a full review agency performance based on the adopted Strategic Plan.

Objective 2: Collect and analyze existing data on disparities among racial and ethnic groups, between the sexes, between the disabled and those who are not disabled, and among other protected classes.

We propose issuing two reports that include the collection of data on disparities. One is a briefing report likely to focus on racial disparities in healthcare access and outcomes. Its findings and recommendations will assist responsible decision-makers in crafting reforms to address any systemic factors.

The other report proposes to focus on the misuse of disparate impact theory in the enforcement of statutes that prohibit intentional discrimination and whether, as a result, these agencies impose illicit racial quotas. Findings and recommendations would also be a part of this report.

Objective 3: Issue reports that assess the credibility of claims of systemic or pervasive discrimination and, where discrimination is found to be present, illuminate the causes of such discrimination, and make recommendations for policy changes to address the problem.

In support of this objective two reports are planned assessing claims of systemic or pervasive discrimination. A proposed school choice report would assess the potential impact of the quality of education available to students in failing schools under a voluntary public school choice program. The possible second report may be an update of data collected and published in our FY 2007 report on the unitary status of school districts in seven states.

Objective 4: Conduct original social scientific research that brings new or unique information to the civil rights policy debate.

Our performance target for this objective is incorporating original social scientific research into at least one Commission report during FY 2009. The FY 2009 report on fair housing will include original research and data collected by participating SACs and headquarters. By way of example, our FY 2007 report on elementary and secondary school desegregation includes original research data, and our FY 2008 national office report on the religious freedom of prisoners also incorporates original research data.

Factors Potentially Affecting Performance Related To Strategic Goal 3 and its Objectives

We are committed to becoming a model small agency as demonstrated by our adoption of prior GAO recommendations for improvement. We have accomplished much and continue to make significant progress in many areas, even with limited resources. Our ability to realize future accomplishments may be affected by several factors. Among them are:

- the number, nature, and scope of any future recommendations made by GAO;
- the timeline(s) adopted for remediation;
- budgetary and staffing demands associated with implementing additional recommendations (if any); and
- the ability to access needed skills and abilities to support future procurement and budget management reforms.

Our report production process is aided by the implementation of process improvement mapping. Other factors that could possibly affect our target level of performance related to reports may include:

- staffing and skills shortages resulting from unanticipated departures and continuous downgrading of vacant positions;
- staffing levels in our regional offices inadequate to support the completion of a joint national and SAC report on fair housing;
- failing to receive timely cooperation from federal and state agencies during the data collection phase of the report process; and
- encountering an absence of needed research data, and inconsistency in data collection methodologies by and among SACs participating in the fair housing report.

To mitigate several of these factors we propose:

- creating a standard data collection and analyses methodology for the fair housing project;
- framing or scoping of the fair housing project to reasonably ensure the availability of needed data;
- anticipating delays in receiving response for federal and other entities during data collection and compensating for these delays in our proposed project timeline; and
- accessing contract labor, when possible in light of existing budgetary constraints, to supplement the work done by staff.

Strategic Goal 4: Normalize the Commission's financial and operational controls, and modernize its information technology management and dissemination.

Strategic Objectives and Performance Measures

Objective 1: Adhere to integrated budgeting, planning, and performance management.

To improve our performance related to budget, and performance planning and management we will continue participating in OMB's Performance Improvement Council and a task force on small agency performance. In FY 2008 we designated an experienced staff member as our agency performance improvement officer (PIO). This position, though it has numerous related responsibilities, will be responsible for:

- supervising the performance management activities of the agency;
- advising our Staff Director with respect to program performance and means for measurement of progress toward achievement of the goals; and
- convening meetings with specified agency personnel to assess program performance and develop corrective action plans.

During FY 2009 using our PIO and senior management council we will focus on:

- complying with OMB A-11 guidance for integrated budget by FY 2010;
- implementing our PART improvements plan; and
- meeting our PART performance targets.

We are considering seeking a PART reassessment in FY 2010. Consistent with our Strategic Plan goals and objectives, we are continuing to improve our program, financial, and operational management. Our focus on management reform significantly contributes to our ongoing efforts to earn a rating of "moderately effective" in FY 2010, should we seek PART reassessment at that time.

Objective 2: Achieve sound financial management, demonstrate financial accountability, and streamline and/or reorganize the Commission's structure to efficiently execute its mission and make efficient use of its appropriations.

During FY 2009, we will achieve management improvement associated with this objective by:

- completing an independent financial audit in a timely manner;
- receiving a “clean” or unqualified financial audit opinions;
- resolving identified FISMA weaknesses;
- conducting an Annual Employee Survey and developing an appropriate corrective action plan; and
- continuing work on the development and implementation of an approved Human Capital Assessment and Accountability System.

An external accounting services provider handles our budget functions including financial services related to accounting, budget analysis, activity-based cost reporting, and budget formulation and execution. This provider is also responsible for, among other things, managing our financial accounts, preparing monthly reports on the status of agency funds, preparing quarterly OMB unedited financial reports and Treasury reports, and advising on agency compliance with applicable federal regulations and guidance in the area of budget management. The services we continue to receive, combined with our other reforms and initiatives, substantially contributed to our FY 2006 and 2007 clean financial statement audits. Even though we received a clean audit in FY 2007 we had a single material weakness related to the Federal Information Security Management Act (FISMA). During FY 2009, we propose resolving all previously identified FISMA weaknesses, completing our required financial audit in a timely fashion, and receiving our third clean audit opinion on our financial statements.

In FY 2007 we began working with OPM’s Center for Small Agencies to create a comprehensive Human Capital Assessment and Accountability (HCAA) system aligned with our mission and new strategic plan goals. This plan should provide a roadmap for transforming our overall management of human capital. The plan will focus on achieving results while demonstrating that the agency values its employees. Though we anticipated completing this plan in FY 2009, our progress has been impeded by the absence of a Director of Human Resources for the agency.

In FY 2009, we will conduct our own Annual Employee Survey, analyze the results, and measure our progress. Assistance may be received through a group composed of other small agency human resources officials. To minimize the cost to the agency, we anticipate using a free online survey tool.

Objective 3: Continue implementation of adopted GAO and OPM recommendations.

During FY 2009, we propose continued implementation of adopted GAO and OPM audit findings and recommendations that address financial and operational procedures. In FY 2009, we will submit a fully OMB-compliant performance budget for FY 2011 and each year thereafter.

With our new strategic plan, we believe we are well on our way to resolving performance budget and annual planning issues. In FY 2009, we will strengthen our integration of performance and budget by, among other ways, collecting more performance data, identifying factors affecting actual performance, and proposing strategies for improving our performance. In FY 2008, we publicly posted our performance plan.

Objective 4: Modernize the agency's information technology infrastructure and improve IT management to enhance program efficiency.

To modernize information technology and management, we propose creating a Web site similar to FirstGov.com. This endeavor will assist in achieving several objectives, including partnering with other agencies, serving as a civil rights clearinghouse and streamlining the dissemination of public information. Moreover, the agency will comply with applicable federal information management laws and regulations. Meeting these obligations and taking advantage of advances in technology will provide us with a unique opportunity to do more with fewer resources. In FY 2008, we began researching the development of a FirstGov-type Web site that, resources permitting, could go online in FY 2012.

Factors Potentially Affecting Performance Related To Strategic Goal 4

Funding sufficient to continue supporting the use of an external accounting services provider, a contract procurement specialist, and electronic travel services is essential to sustaining the improved financial performance we experienced (including receiving a clean audit) in FY 2006, 2007 and projected for FY 2008.

We completed human capital assessments in FY 2005 and FY 2007, and convened staff-level working groups in FY 2007 to provide input into our human capital and accountability system (specifically, changes to performance plans and appraisals). Though work is expected to continue on the development of a human capital and accountability system, the ongoing absence of a director of our Human Resources Division is a significant impediment to completion of this project. Obtaining someone on detail from OPM may be an option for supporting this effort.

IT-related efforts will continue to require the support of an external contractor to bring them to completion, and a comprehensive IT investment plan should be developed in FY 2009 and updated annually.

Our ability to implement future GAO recommendations will be influenced by the nature and scope of any future GAO and OPM recommendations, the timeline adopted for remediation, and whether additional budgetary resources will be required to adequately respond.

ATTACHMENTS

Attachment 1: *FY 2009 Proposed Staffing Plan*

Attachment 2: *FY 2009 Proposed Project Obligation Plan by Object Class*

Attachment 3: *FY 2009 Proposed Budget Operating Plan*

Attachment 4: *Alignment of Organizational Units Across the Four Strategic Goals*

Attachment 5: *FY 2009 Performance Targets*